

FILED

AUG 25 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 3-11-70931 NC
Plaintiff,)	
v.)	DETENTION ORDER
JAMES ESTRELLA,)	
Defendant.)	

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on August 22, 2011. Defendant was present, represented by his attorney William A. Welch. The United States was represented by Assistant U.S. Attorney Derek Owens.

Part I. Presumptions Applicable

The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1). This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community. There is probable cause based upon the Criminal Complaint and the facts found in Part IV below to believe that the defendant has committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed in 21 U.S.C. § 801 et seq., and under 18 U.S.C. § 924(c): use of a firearm

1 during the commission of a felony. This establishes a rebuttable presumption that no condition
2 or combination of conditions will reasonably assure the appearance of the defendant as required
3 and the safety of the community. 18 U.S.C. §§ 3142(e)(3)(A) & (e)(3)(B).

4 **Part II. Rebuttal of Presumptions**

5 The defendant has not come forward with sufficient evidence to rebut the applicable
6 presumptions, and he therefore will be ordered detained.

7 **Part III. Proof**

8 Furthermore, the Court finds that the United States has established by clear and convincing
9 evidence that no condition or combination of conditions will reasonably assure the safety of any
10 other person and the community.

11 **Part IV. Written Findings of Fact and Statement of Reasons for Detention**

12 The Court has taken into account the factors set out in 18 U.S.C. § 3142(g) and all of the
13 information submitted at the hearing and finds as follows:

14 As to the history and characteristics of the defendant, the Court adopts the Pretrial Services
15 Report, which was not objected to by either party. 18 U.S.C. § 3142(g)(2).

16 The government proffered at the detention hearing that the defendant admitted to federal
17 agents that he was in the possession of one pound of marijuana, two firearms, and more than
18 \$16,000 in U.S. currency on August 16, 2011. The Defendant had been the subject of a federal
19 firearms and narcotics distribution investigation since late 2010. As part of that investigation, it
20 was learned that the Defendant was the source of methamphetamine and firearms that undercover
21 federal agents had purchased from another individual. Numerous text messages sent by the
22 Defendant during the period from February through June of 2011, indicated the Defendant was
23 supplying narcotics and firearms to other people. Those text messages provide descriptions,
24 quantities, and prices for narcotics and firearms.

25 The government also proffered that the Defendant sent numerous text messages
26 demonstrating his involvement in shootings on February 24, 2011, March 13, 2011, and June 1,
27 2011. The government proffered that two of the shootings were corroborated by police reports.

1 February 24, 2011 Text Messages

2 In a string of text messages from the time period of 23:36 through 23:53 on February 24, the
3 Defendant sent messages that describe his attempts to acquire a firearm after he had "got in a
4 shootout today in vallejo." The Defendant described that he had two firearms or "glocks" at his
5 residence, but that he wanted an "ak" in case the individuals whom he had been in a shootout
6 with came to his residence. The government proffered that the term "ak" is slang for an AK-47
7 type rifle.

8 March 13, 2011 Text Messages

9 In a string of text messages from 3:37 to 4:55 on March 13, the Defendant sent a message
10 that included the statement "Mom I no wat iam doin kela and the baby going to stay at her moms
11 till I find a new spot to move and iam murder thes niggas watch ant no fear n me." Kela Spears
12 is the mother of the Defendant's child and was found flushing methamphetamine down the toilet
13 of the Defendant's residence when federal agents arrived on August 13, 2011.

14 At 3:52:25, the Defendant sent a text message to the same number that read, "Stay there and
15 watch the kids iam pay for thes niggas lifes foreal no just talking fatter daddy is a real killer ask
16 manny he no him iam cash him." At 3:52:45 he sent another message, "Cash him out they will
17 die believe me."

18 At 4:03, he sent a message asking, "Bro can you bring me the chopper rite now bro," and at
19 4:04 he sent another message saying "Naw they dnt I am ok I got to guns with me I no wat iam
20 doing mom god please stop rite now." The government proffered that "chopper" and "sks" are
21 slang terms for a firearms.

22 At 4:16 he sent another text message that read, "Mom just make sure my son is ok becus they
23 got life fucked up if they think they going to kill me fuck them ill kill them they whole family."
24 At 4:50 he sent a message stating, "Bra its asap situation I need a chopper bra I got whatever cash
25 u need I need one hela bad," and at 4:55 he sent a message that read, "Aye bro ask a dawg if he
26 wana sell me that sks."

27 At 15:06, he sent a message stating, "Ya me and other james up riding around lookin for
28 them." The government proffered that the defendant had a close friend named James Newman.

1 June 1, 2011 Text Messages

2 The government proffered that on May 30, 2011, James Newman, the close friend of the
 3 Defendant, was fatally shot in Rodeo, California. The Defendant was later questioned and
 4 admitted that he was at the scene of the shooting. A suspected retaliatory shooting took place in
 5 Rodeo, California shortly after Newman was killed, and the Defendant's text messages from 1:38
 6 to 2:39 on June 1 indicate he was involved in a shooting. On June 1, the Defendant sent a text
 7 message at 1:38 stating, "Bra iam try n to get on them niggas bt they ant out side and theres 2
 8 police sitting n the projects bra." At 2:28, the Defendant's message states, "Did any one get hit."
 9 The defendant received a text message from 510-478-2605 at 2:29 stating, "I don't know they
 10 didnt say that on the thang." At 2:37, the Defendant replied to 510-478-2605, "So sumone got
 11 hit n the arm thats good." Later, at 13:27, the Defendant wrote, "I hit him 2 time I was try n to
 12 kill him bro."

13 **Part V. Directions Regarding Detention**

14 The defendant is committed to the custody of the Attorney General or his designated
 15 representative for confinement in a corrections facility separate to the extent practicable from
 16 persons awaiting or serving sentences or being held in custody pending appeal. The defendant
 17 shall be afforded a reasonable opportunity for private consultation with defense counsel. On
 18 order of a court of the United States or on the request of an attorney for the Government, the
 19 person in charge of the corrections facility shall deliver the defendant to the United States
 20 Marshal for the purpose of an appearance in connection with a court proceeding.

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 22
 23
 24 Dated: August 25, 2011

25 
 26 _____
 27 NATHANAEL COUSINS
 28 United States Magistrate Judge